

6406. (F.D.C. No. 42494. S. Nos. 50-035/6 P.)

INFORMATION FILED: 11-22-60, N. Dist. Ohio, against Emma Fry, t/a Fry's Truck Stop, Galion, Ohio, and Clyde Kelly (employee).

CHARGE: Between 8-27-59 and 8-31-59, *amphetamine sulfate tablets* were dispensed twice without a prescription.

PLEA: Guilty.

DISPOSITION: 1-13-61. \$500 fine against each defendant.

6407. (F.D.C. No. 42479. S. Nos. 38-097 P, 76-241/3 P, 76-562/3 P.)

INFORMATION FILED: 2-11-60, E. Dist. Mo., against Thurman Wilkerson, also known as Bo Wilkerson, Wyatt, Mo., Ben Hutchison, Cairo, Ill., A.C.D. Medical Supply, Inc., Chicago, Ill., and Vincent J. Zuckerman, also known as James Baxter and Vince Baxter (president and general manager of A.C.D. Medical Supply, Inc.).

CHARGE: The information alleged in count 1 that the defendants did, on 4-8-59, and continuing thereafter to 10-29-59, conspire, combine, and confederate and agree together, and with divers other unknown persons, to commit offenses against the United States, namely, to unlawfully dispense and cause to be dispensed articles of drug consisting of unknown quantities of *amphetamine sulfate tablets* and *amphetamine sulfate capsules* while such drugs were held for sale after shipment in interstate commerce, thereby causing such drugs to become misbranded as follows: 502(b)—the articles failed to bear labels containing (1) the name and place of business of the manufacturer, packer, or distributor, and (2) an accurate statement of the quantity of contents; 502(e) (1)—the labels of the articles failed to bear the common or usual name of the articles; 502(f) (1)—the labeling of the articles failed to bear adequate directions for use; and 503(b) (1)—the articles were dispensed without a prescription.

It was alleged further, as a part of the conspiracy, that defendants Wilkerson and Hutchison obtained from defendants A.C.D. Medical Supply, Inc., and Vincent J. Zuckerman, quantities of *amphetamine sulfate tablets* and *amphetamine sulfate capsules* which had been shipped in interstate commerce; and quantities of *amphetamine sulfate tablets* and *amphetamine sulfate capsules* which were fabricated from an amphetamine sulfate ingredient that had been shipped in interstate commerce.

It was alleged further, as a part of the conspiracy, that the defendants sold, and caused to be sold, *amphetamine sulfate tablets* and *amphetamine sulfate capsules* in large quantities, to customers without a physician's prescription; and that in dispensing and making such sales, the defendants delivered the *amphetamine sulfate tablets* and *amphetamine sulfate capsules* to customers in unlabeled and partially labeled bottles, unlabeled paper and plastic bags, and unlabeled cardboard cartons.

It was alleged further, that in pursuance of said conspiracy and to effect the objects thereof, the defendants and their co-conspirators did the following acts:

- (1) On 6-5-59, when a Government agent sought to purchase *amphetamine sulfate tablets*, defendant Ben Hutchison referred this agent to defendant Bo Wilkerson at Wyatt, Mo., to obtain the tablets;
- (2) On 7-14-59, telephone contact was made by defendant Ben Hutchison from his residence at Cairo, Ill., to defendant Vincent J. Zuckerman;
- (3) Between 7-14-59 and 7-20-59, defendant Vincent J. Zuckerman made hotel reservations at the Bismarck Hotel, Chicago, Ill., for defendants Bo Wilkerson and Ben Hutchison;